

ESTTA Tracking number: **ESTTA199594**

Filing date: **03/20/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182572
Party	Defendant Metrosonics Concepts Limited
Correspondence Address	Lawrence E. Abelman Abelman Frayne & Schwab 666 Third Avenue, 10th Floor New York, NY 10017 UNITED STATES fterranela@lawabel.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Frank S. Kalamajka
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Signature	//fkalamajka55//
Date	03/20/2008
Attachments	MotionOpp91182572.pdf (3 pages)(269440 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
PETER MIGNOLA d/b/a METROSONIC,

Opposer,

v.

METROSONICS CONCEPTS LIMITED,

Applicant.
-----X

Opposition No. 91182572

Serial No. 77/086256

Mark: **METROSONICS**

**CONSENTED MOTION FOR 30 DAY
EXTENSION OF TIME TO ANSWER**

Applicant, Metrosonics Concepts Limited, through its undersigned attorneys, hereby respectfully requests that the Trademark Trial and Appeal Board ("Board"), grant to Applicant a thirty (30) day extension for Applicant's time to Answer the Opposition filed by Opposer, Peter Mignola d/b/a Metrosonic.

Presently, the time for Applicant to Answer is April 1, 2008. However, because the parties to this matter have begun settlement negotiations, Applicant requests that additional time be provided before the foregoing deadline to file and serve and Answer has lapsed. As a result, Applicant requests that the time to Answer be enlarged by thirty (30) days, to and including May 1, 2008.

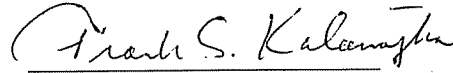
Applicant has secured the express consent of all parties, including Opposer, for this application to extend the time for an Answer. Under the present Scheduling Order, the next calendared date after the Time to Answer is May 1, 2008, which includes the Deadline for Discovery Conference, and the Discovery Opens Period. Thereafter, the next scheduled date is the Initial Disclosures Due Date, on May 31, 2008. **In light of the close proximity in time of these dates with respect to the Time to Answer, if the instant Request for Extension is granted, it is believed each of these other dates would also have to be rescheduled and extended by thirty (30) days to accommodate the instant request to extend the Time to Answer to May 1, 2008.**

Applicant states that the instant application to extend the Time to Answer is made in good faith, and it respectfully submits that good cause had been shown for this application. A Proposed Order granting the requested relief, is annexed hereto.

WHEREFORE, Applicant respectfully requests that the Board grant Applicant's request, made on consent of the parties hereto, to extend the Time to Answer by Thirty (30) Days, to and including May 1, 2008, because of the ongoing negotiations for possible settlement of this matter by the parties.

Respectfully,

ABELMAN FRAYNE & SCHWAB



Frank S. Kalamajka

Attorneys for Applicant

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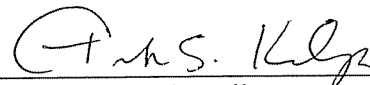
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Applicant's

CONSENTED MOTION FOR 30 DAY EXTENSION OF TIME TO ANSWER

was caused to be served by U.S.P.S. first class mail, postage prepaid, this 20 day of MARCH, 2008 and via email upon the following:

Nicholas A. Penkovsky
112 Madison Avenue
Sixth Floor
New York, NY 10016
Nicholas_penkovsky@yahoo.com



Frank S. Kalamajka

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PETER MIGNOLA d/b/a METROSONIC,

Opposer,

v.

METROSONICS CONCEPTS LIMITED,

Applicant.

Opposition No. 91182572

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Mark: **METROSONICS**

**PROPOSED ORDER GRANTING REQUEST BY APPLICANT FOR 30 DAY
EXTENSION OF TIME TO ANSWER ON CONSENT**

Whereas, Applicant, Metrosonics Concepts Limited, through its counsel, has duly applied to this Board for an enlargement of time of thirty (30) days for the time to file its Answer to the Opposition in this matter, now calendared for April 1, 2008; and,

Whereas, the Opposer has apparently consented to an extension of time of thirty (30) days for Applicant to file its Answer; and,

Whereas, this is the first request for any amendment or extension in the calendar of this matter by any party to this Opposition; and,

Whereas, the Applicant has stated that the reason for this request for the aforementioned extension is that the parties have entered into settlement discussions, and that therefore the extension request is made in good faith and for good cause shown.

Now, therefore, it is ORDERED:

The Scheduling Order in this matter is amended, as follows,

1. The Applicant's Time to Answer is May 1, 2008;
2. The date for the Deadline for Discovery Conference and Discovery Opens is June 1, 2008;
3. The date for Initial Disclosures is June 31, 2008.

SO ORDERED this _____ day of _____, 2008

ENTER: